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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,080	01/23/2006	Jin-Kyeong Kim	51876P854	2014
8791 7590 02/26/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER ZEIWAR, SAYED T				
ART UNIT 2617		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/535,080

**Applicant(s)**

KIM ET AL.

**Examiner**

SAYED T. ZEWARDI

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's arguments filed on 12/19/2008 have been fully considered but they are not persuasive.
2. Applicant argues that ***"Gunnarsson et al. does not teach, disclose or even suggest a wireless LAN service determination means for determining whether or not there is an access point of a wireless LAN providing wireless data service based on broadcasting information targeting all mobile stations within a service area of a base station as defined by amended claims 1, 4 and 6."*** This argument is not persuasive. This argument does not clearly specify whether the applicant means the ***"determination means"*** in mobile device or in the network. In any case the limitations are met. If the applicant implies a ***"determination means"*** in the network then, as it was pointed out in previous office action, Gunnarsson discloses this limitation in section [0020] on page 3 and lines 8-15, particularly lines 11-15. Gunnarsson discloses that a user is alerted of the availability of a WLAN access point, by a broadcast message that is transmitted by the wireless communication network 10. On the other hand, if the applicant implies a ***"determination means"*** in the mobile unit, then this limitation is also disclosed. Gunnarsson discloses a mobile device that communicates with WLAN. It has all the necessary structural elements such as, transceivers, and processors to determine by itself if it is within the WLAN access area.
3. Applicant argues that ***"Gunnarsson et al. merely discloses informing each mobile terminal whether there is a capable wireless LAN AP while the present***

***invention discloses and claims informing the existence of a capable wireless LAN AP to every mobile terminal in the service area by broadcasting information to minimize the load of the network.***" This argument is not persuasive. Gunnarsson discloses this limitation in section [0020] on page 3 and lines 8-15, particularly lines 11-15. Gunnarsson discloses that a user is alerted of the availability of a WLAN access point, by a broadcast message that is transmitted by the wireless communication network 10. A base station is an integral part of cellular communication network and a point through which all wireless communication takes place. So a message transmitted by the wireless communication network 10 is a message transmitted by the base station of the wireless communication network 10.

4. Applicant further argues that ***"That is, the present information is different from Gunnarsson et al. by sending the information to the unspecified mobile terminals, i.e., all mobile terminals, by sending broadcast information, while Gunnarsson et al. sends the information to each terminal individually."*** This argument is not persuasive. In the above quotation, the applicant discloses that in the applicant's invention information is sent to all mobile terminals by broadcast and that in Gunnarsson, the information is sent to each terminal individually. As was established before, Gunnarsson also send information by broadcast to each terminal. So Gunnarsson's disclosure is the same as that of applicant.
5. Therefore, Gunnarsson et al. discloses all the limitations of the claims of the applicant.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being by Gunnarsson et al. (US 2003/0,118,015).

With respect to claim 1, Gunnarsson discloses an apparatus for searching for an access point for use by a mobile terminal (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5, see additional information at section [0002]-[0004]**), the apparatus comprising: wireless LAN service determination means for determining whether or not there is an access point of wireless LAN providing wireless data service based on broadcasting information targeting all mobile stations within a service area of a base station (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5, see additional information at section [0002]-[0004]**); and wireless LAN service means for searching for a beacon signal transmitted from the access point of the wireless LAN according to the determination result of the wireless LAN service determination means and the mobile station receiving wireless data service from the access point of the wireless LAN

based on the beacon signal (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5, see additional information at section [0002]-[0004].**

With respect to claim 4, Gunnarsson discloses a method for searching for an access point for use by a mobile station(**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**), the method comprising the steps of:

- a) obtaining broadcasting information targeting all mobile stations within a service area of a base station, by using a mobile communication module of a mobile station (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**);
- b) determining whether or not there is the wireless LAN access point providing services based on the obtained broadcasting information (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**); and
- c) receiving wireless data service from the wireless LAN access point by using a wireless LAN module which searches for a periodically transmitted beacon signal of the wireless LAN access point in case the wireless LAN access point is existed (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**).

With respect to claim 2, Gunnarsson an apparatus wherein the mobile station is a dual mode mobile station having a wireless LAN module and a mobile communication

module (**See Gunnarsson's abstract, see section [0002], [0006], [0010], [0018], [0024] figure 4).**

With respect to claim 3, Gunnarsson an apparatus wherein the base station is installed by setting a predetermined service area based on a location in which the access point (**See Gunnarsson's section [00012], see page 5 claim 27).**

With respect to claim 5, Gunnarsson a method wherein the broadcast information includes information indicating presence of the wireless LAN access point and is periodically broadcasted to all mobile stations in a service area of the base station (**See Gunnarsson's section [00020], see page 5 claim 9).**

With respect to claim 6, Gunnarsson an inherent computer readable recoding medium having executable instructions for implementing a method for searching for an access point for use by station (**See Gunnarsson's abstract, see figure 1-5, section [0012], [0019], [0023] where the electronic devices inherently have computer readable recording medium), the method comprising the steps of:**

- a) obtaining broadcasting information targeting all mobile stations within a service area of a base station, by a mobile communication module of a mobile station (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5);**
- b) determining whether or not there is the wireless LAN access point providing services based on the obtained broadcasting information (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5); and**

c) the mobile station receiving wireless data service from the wireless LAN access point by using a wireless LAN module which searches periodically transmitted beacon signal of the wireless LAN access point in case the wireless LAN access point is existed **(See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5).**

With respect to claim 7 and 8, Gunnarsson discloses an apparatus and method wherein the broadcasting information includes a conventional broadcast information indicating presence of the wireless LAN access point **(See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5, see additional information at section [0002]-[0004]).**

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAYED T. ZEWARDI whose telephone number is (571)272-6851. The examiner can normally be reached on 8:30-4:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sayed T Zewari/  
Examiner, Art Unit 2617

February 18, 2009

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617